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Revocable Trust; Trustees of The William E. and Desiree B. Moore
Revocable Trust; Desiree B. Moore Revocable Trust;
William E. Moore Marital Trust; William E. Moore
Generation-Skipping Trust; and Desiree Moore

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO AND OAKLAND DIVISION

THOMAS FERNANDEZ, LORA SMITH and
TOSHA THOMAS, individually and on behalf of
a class of all other persons similarly situated,

Plaintiffs,

vs.

K-M INDUSTRIES HOLDING CO., INC.; K-M
INDUSTRIES HOLDING CO., INC. ESOP
PLAN COMMITTEE; WILLIAM E. AND
DESIREE B. MOORE REVOCABLE TRUST;
TRUSTEES OF THE WILLIAM E. AND
DESIREE B. MOORE REVOCABLE TRUST;
CIG ESOP PLAN COMMITTEE; NORTH
STAR TRUST COMPANY; DESIREE B.
MOORE REVOCABLE TRUST; WILLIAM E.
MOORE MARITAL TRUST; WILLIAM E.
MOORE GENERATION-SKIPPING TRUST;
and DESIREE MOORE, BOTH IN HER
INDIVIDUAL CAPACITY AND AS TRUSTEE
OF THE WILLIAM E AND DESIREE B.
MOORE REVOCABLE TRUST'S SUCCESSOR
TRUSTS NAMED ABOVE,

Defendants.

Case No. C 06-07339 CW

**DECLARATION OF CAROLINE M.
WALTERS ESTABLISHING THAT
INFORMATION SUBMITTED BY
PLAINTIFFS IN OPPOSITION TO
DEFENDANTS' MOTIONS FOR
SUMMARY JUDGMENT IS
SEALABLE**

CIVIL LOCAL RULE 79-5(d)

1 I, Caroline M. Walters, declare and state as follows:

2 1. I am an attorney admitted to practice before the Courts of the State of California and
3 before this Court. I am an associate of the law firm of Hennigan, Bennett & Dorman LLP, counsel
4 of record for William E. and Desiree B. Moore Revocable Trust, Trustees of the William E. and
5 Desiree B. Moore Revocable Trust, Desiree B. Moore Revocable Trust, William E. Moore Marital
6 Trust, William E. Moore Generation-Skipping Trust (the "Trust Defendants") and Desiree B. Moore
7 in this matter. I have personal knowledge of the facts contained in this declaration. I make this
8 declaration pursuant to Local Rule 79-5(d) to establish that certain documents attached to the
9 Declaration of Nina Wasow in Support of Plaintiffs' Opposition to Defendants' Motions for
10 Summary Judgment, which were designated as confidential during discovery by the Trust
11 Defendants and Desiree Moore, as well as a portion of Plaintiffs' memorandum of points and
12 authorities reiterating the confidential information should be sealed and not made part of the Court's
13 public files.

14 2. Desiree Moore is the trustee of the Trust Defendants. Desiree Moore and the Trust
15 Defendants consider information concerning the Trusts including details of the assets of the Trust
16 Defendants and other facts to be confidential. Revealing this confidential information in the public
17 records of this Court would harm the Trust Defendants' and Desiree Moore's privacy interests.

18 3. Listed below are descriptions of the exhibits and portions of Plaintiffs' brief to be
19 filed under seal by the Plaintiffs in support of their Opposition to Defendants' Motions for Summary
20 Judgment that the Trust Defendants and Desiree Moore designated as confidential and the basis of
21 the claim that such information is confidential.

22 **4. Plaintiffs' Exhibit 57, MT 000292**

23 The Trust Defendants and Desiree Moore withdraw the confidential designation to this one
24 particular page and it may be filed in the Court's public record.

25 **5. Plaintiffs' Exhibit 120, MT 002033 – MT 002049**

26 This document is the William E. and Desiree Moore 1990 Revocable Trust Agreement. It
27 contains confidential information concerning the purpose of the Trust and the powers and liabilities
28

1 of the trustees. Revealing this information in the public record would violate the Trust Defendants'
2 and Desiree Moore's privacy interests.

3 **6. Plaintiffs' Exhibit 123, MT 002260**

4 This one-page statement from Round Hill Securities, Inc. provides a description of the type,
5 quantity and value of certain assets of the Trust Defendants. Such personal financial information is
6 maintained confidentially and its release to the public would violate the Trust Defendants' and
7 Desiree Moore's privacy interests.

8 **7. Plaintiffs' Memorandum of Points and Authorities at 47:6-7**

9 Based on Exhibit 123, Plaintiffs make assertions regarding the status of the assets of the
10 Trust Defendants. Such personal financial information is maintained confidentially and its release to
11 the public record would violate the Trust Defendants' and Desiree Moore's privacy interests.

12 I declare under penalty of perjury under the laws of the United States of America that the
13 foregoing is true and correct.

14 Executed this 16th day of July, 2008 at Los Angeles, California.

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16 /S/ Caroline M. Walters

17 Caroline M. Walters
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